

SEP 28 2007  
OIP-E IAP-97  
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JENKINS et al.

2007 OCT -1 PM 5: 00

Atty. Ref.: 124-1114

Serial No. 10/533,433

Group: 2874

Filed: May 2, 2005

Examiner: J. Rahll

For: HOLLOW CORE MULTI-MODE INTERFERENCE  
OPTICAL DEVICE

\* \* \* \* \*

September 28, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

A refund is respectfully requested for the Notice of Appeal fee (\$500.00 paid May 29, 2007), as the Examiner's late allowance of this application obviates the need for appeal. No claim amendment was filed after the last Action and the Examiner allowed the application only after the applicant incurred the expense of appeal.

Accordingly, it is requested that the appeal fee of \$500.00 be refunded to applicant's undersigned attorney by crediting \$500.00 to Deposit Account No. 14-1140 under Order No. 124-865. For this purpose a duplicate copy of this paper is enclosed.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: 

Stanley C. Spooner

Reg. No. 27,393

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NIXON VANDERHYE PC Fax 703+816+4100 May 29 2007 02:17pm P001/007  
 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
 Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. SCS-124-1114

**FACSIMILE CERTIFICATE**

JENKINS et al.

C# M#

I hereby certify that this  
 correspondence is being transmitted  
 by facsimile to the Patent and  
 Trademark Office on May 29, 2007,  
 specifically to 571-273-8300.

Serial No. 10/533,433

TC/A.U.: 2874

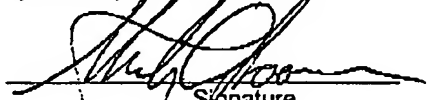
Filed: May 2, 2005

Examiner: J. Rahll

Date: May 29, 2007

Title: HOLLOW CORE MULTI-MODE INTERFERENCE OPTICAL DEVICE

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

  
 Signature  
 Stanley C. Spooner  
 Reg. No. 27,393

No. of pages transmitted (including  
 this cover sheet): 7 pages

Sir:

☐ Correspondence Address Indication Form Attached.

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MAY 29 2007

☒ **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences  
 from the last decision of the Examiner twice/finally rejecting  
 applicant's claim(s).

\$500.00 (1401)/\$250.00 (2401) \$ 500.00

☐ An appeal BRIEF is attached in the pending appeal of the  
 above-identified application

\$500.00 (1402)/\$250.00 (2402) \$

☐ Credit for fees paid in prior appeal without decision on merits

-\$ ( )

☐ A reply brief is attached in triplicate under Rule 41.41

(no fee)

☒ Pre-Appeal Brief Request for Review form attached.

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this  
 paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)  
 Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
 Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
 Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

(less \$120.00 one-month extension fee previously paid)

☐ "Small entity" statement attached.

Less month extension previously paid on

-\$ ( )

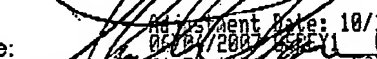
TOTAL FEE ENCLOSED \$ 500.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.  
 The Commissioner is hereby authorized to charge the above-noted fee(s), any deficiency, or credit any  
 overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any  
 paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is  
 attached.

06/04/2007 GFREY1 00000055 141140 10533433

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 By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature:  Date: 10/19/2007 HGE BREM2  
 06/04/2007 GFREY1 00000055 141140 10533433  
 01 FL:1401 500.00 CR